



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,070	12/08/1998	SHUSOU WADAKA	2565-136P	2419

2292 7590 03/18/2002

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

BUDD, MARK OSBORNE

ART UNIT	PAPER NUMBER
----------	--------------

2834

DATE MAILED: 03/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

202070

Applicant(s)

Wadaka et al

Examiner

M. Budd

Group Art Unit

2834

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2-21-02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-14 and 42-62 is/are pending in the application.
- Of the above claim(s) 47-62 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 2-14 and 42-46 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 2834

Claims 2-14 and 42-46 are rejected under 35 USC 102 as anticipated by Krishnasawamy (Figs. 1-5 and 7), Corran (fig. 8), Vale (Figs. 1 & 2) or Japan (804) (Fig. 4). Each reference teaches the claimed structures. Note that the "wherein at least one component --- on the wafer" is merely a statement of desired function adding no structure to the device claimed. These claims, slightly rephrased, are essentially the same structure as previously claimed. Note that a completed article is blind as to how it was manufactured or designed. Each reference obviously designs the resonator chips with a final frequency in mind and then fine tunes the device (usually thru additional ore removal of material) to compensate for the deviations in manufacture. Once the final tuning is achieved one cannot tell where metal was deleted or added or how much. Thus statement, referring to the desire to adjust to e.g. the final frequency based on wafer position are meaningless in a finished article claim.

Claims 47-62 are withdrawn from consideration as per applicants election in paper no. 8 (2-25-00).

Regarding applicants remarks it is noted that MPEP 2131.01, when viewed in context is not a prohibition against citing plural references in a 35 USC 102 rejection. This section merely points out that each reference should be self-complete e.g. show all elements and not rely on a secondary reference to complete its teachings except for the circumstances listed wherein it is permissible to supplement a '102 references with a secondary reference that explains or completes the main reference. There is no statutory basis against use of multiple, equal value references.

Serial Number: 09/202,070

Page 3

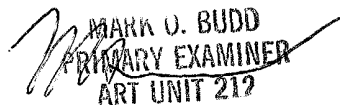
Art Unit: 2834

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Budd/ds

03/17/02


MARK O. BUDD
PRIMARY EXAMINER
ART UNIT 212